

Message

From: OCSPPNews [OCSPPNews@epa.gov]
Sent: 6/16/2021 8:35:39 PM
To: Blair, Susanna [Blair.Susanna@epa.gov]; Carlisle, Sharon [Carlisle.Sharon@epa.gov]; Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Diaz, Catherine [Diaz.Catherine@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Freedhoff, Michal [Freedhoff.Michal@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Harwood, Laura [Harwood.Laura@epa.gov]; Hauff, Amanda [Hauff.Amanda@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hughes, Hayley [hughes.hayley@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Kochis, Daniel [Kochis.daniel@epa.gov]; Kramer, George [Kramer.George@epa.gov]; Labbe, Ken [Labbe.Ken@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Nguyen, Khanh [Nguyen.Khanh@epa.gov]; OPP Branch Chiefs [OPP_Branch_Chiefs@epa.gov]; OPP Deputy & Associate Directors [OPP_Deputy_&Associate_Directors@epa.gov]; OPP Division Directors [OPP_Division_Directors@epa.gov]; OPP IO [OPP_IO@epa.gov]; OPPT Managers [OPPT_Managers@epa.gov]; OPS CSID CB [OPS_CSID_CB@epa.gov]; Parsons, Doug [Parsons.Douglas@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Pinto, Ana [Pinto.Ana@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]; Romanovsky, Anna [Romanovsky.Anna@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Smith, Carolyn [smith.carolyn@epa.gov]; Sullivan, Melissa [sullivan.melissa@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Vernon, Jennifer [Vernon.Jennifer@epa.gov]
Subject: OCSPP News for June 16, 2021

OCSPP Daily News Round-Up

General EPA

- [Bloomberg Law 06/16; Biden Pick for EPA Lawyer Glides Through Confirmation Hearing](#)
- [E&E News 06/16; Senate advances water nominee with bipartisan support](#)
- [E&E News 06/16; Wanted: Environmental justice grant reviewers](#)

Toxics

- [Bloomberg Law 06/16; House Panel OKs PFAS Bill Despite GOP, Water Groups' Concerns](#)
- [Bloomberg Law 06/15; Nurture, Target, Whole Foods Sued Over Lead Levels in Baby Food](#)
- [Inside TSCA 06/16; PFAS Cleanup Costs Spur Calls For Chemical Ban As Money-Saving Step](#)
- [Inside TSCA 06/15; New York Passes Flame Retardant Ban, Testing Potential TSCA Preemption](#)
- [Inside TSCA 06/16; OIG will evaluate PFBS assessment branded 'political interference'](#)

Pesticides

- [Agri-Pulse 06/16; Amid DPR, EPA reviews, Walmart calls on produce suppliers to reduce pesticide use](#)
- [Agri-Pulse 06/16; Researchers discover 'antidote' for bees exposed to pesticides](#)
- [Agri-Pulse 06/15; Glyphosate clears hurdle in EU registration process](#)
- [EurekAlert! 06/16; Glyphosate pesticides persist for years in wild plants and cause flower infertility](#)

Blog/OpEd/Other

- [Beyond Pesticides 06/16; Study Highlights Important Role Field Margins Play in Insect Conservation and Pest Management](#)
- [EHS Daily Advisor 06/16; EPA Ignored Policy and Procedures for Dicamba Registration](#)

+++++

Biden Pick for EPA Lawyer Glides Through Confirmation Hearing

Stephen Lee, Bloomberg Law

Jeff Prieto, the Biden administration's pick to become the EPA's top lawyer, sidestepped questions from lawmakers who tried to pin down his enforcement philosophy during a Wednesday confirmation hearing.

Prieto repeatedly told the Senate Environment and Public Works Committee he wasn't familiar with the details about regional haze settlements, waters of the United States, and the Biden administration's nationally determined contribution on carbon emissions because he doesn't work at the Environmental Protection Agency.

Prieto also said many challenges to EPA rules happen because the agency hasn't followed the Administrative Procedure Act, and he pledged to be diligent about doing a better job.

If confirmed, Prieto would become the EPA's chief legal adviser, providing counsel to agency policymakers on the defensibility of rulemakings and weighing in with legal support on enforcement actions.

'A Good Thing'

At no point were either Prieto or Jane Nishida, Biden's choice to become the EPA's assistant administrator for international and tribal affairs, cornered into making specific policy positions beyond the broad pledges Biden and agency head Michael Regan have already made.

Low attendance at the hearing is "a good thing," committee chairman Tom Carper (D-Del.) said because it means "there's not a lot of controversy surrounding your nominations." Only eight of the panel's 20 members took part in the hearing.

At one point, Sen. Jim Inhofe (R-Okla.), a longtime climate change skeptic, told Nishida that he believed she would be confirmed.

Her role would be to work with other federal agencies, international organizations, and foreign nations on environmental issues and to take the lead on tribal treaty rights.

'Not Always Viewed as Helpful'

Later, Sen. Dan Sullivan (R-Alaska) offered a sharp rebuke to the EPA, saying the agency is "not always viewed as helpful in my state," and that "a lot of times we don't think the EPA cares about the jobs and economic opportunity things."

To illustrate, Sullivan pointed to oil drilling in the Arctic National Wildlife Refuge, which the Biden administration has blocked.

In response, Nishida said she understood the economic challenges faced by Alaska natives and has already worked through an EPA general assistance program to provide environmental resources to those communities.

Nishida also told Sen. Mark Kelly (D-Ariz.) that \$1.7 billion in settlements to reduce radiation exposure to the Navajo Nation from abandoned uranium mines isn't enough to clean up all the sites.

The EPA is "pursuing other avenues" to fix the problem, teaming up with agencies like the Energy and Interior Departments, she said.

Nishida is currently the acting head of the EPA's tribal affairs office and briefly was acting administrator of the EPA until Regan's confirmation in March. She previously served as Maryland's environment secretary and as senior environmental institutions specialist at the World Bank.

Prieto is the general counsel at the Los Angeles Community College District and a long-time government lawyer. He previously worked at the Justice Department and the Department of Agriculture.

Senate advances water nominee with bipartisan support

Timothy Cama, E&E News

<https://www.eenews.net/greenwire/2021/06/16/stories/1063735137>

Radhika Fox took a step toward confirmation to be EPA's top water official.

The Senate voted 55-43 to limit debate and moved toward a final vote this afternoon. All Democrats present supported Fox, along with GOP Sens. Richard Burr of North Carolina, Susan Collins of Maine, Kevin Cramer of North Dakota, Lindsey Graham of South Carolina, Lisa Murkowski of Alaska, and Cindy Hyde-Smith and Roger Wicker of Mississippi.

Fox is currently the highest-ranking official in EPA's water office and was formerly the CEO of the U.S. Water Alliance.

The Senate Environment and Public Works Committee voted last month to advance Fox by a vote of 14-6 (Greenwire, May 26).

Many Republican senators complained about her refusal to commit to keeping in place the Navigable Waters Protection Rule, the Trump administration's rule limiting the federal government's jurisdiction over waterways under the Clean Water Act.

EPA and the Army Corps of Engineers formally announced last week that they would replace the Trump rule with one that is more protective (E&E News PM, June 9).

Wanted: Environmental justice grant reviewers

Kevin Bogardus, E&E News

<https://www.eenews.net/greenwire/2021/06/16/stories/1063735129>

EPA has asked its staff for help as the agency readies to push out a high volume of grants for environmental justice, a top priority of the Biden administration.

EPA Deputy Administrator Janet McCabe said in an internal email obtained by E&E News that the agency's environmental justice office had recently offered small as well as collaborative problem-solving grants. Applicants clamored for the funds.

"We received a tremendous response due to a record amount of funding available for projects across the United States," McCabe said in the email sent yesterday to EPA employees. "Between the two opportunities, approximately 150 EJ grants are likely to be awarded in the coming months."

Consequently, EPA needs more staff to jump in to aid with poring through the grant applications.

"Given the need to assist with these grants — and the opportunity for valuable training — I ask agency staff (in consultation with their managers) to consider participating in this important effort to directly support underserved communities and the most vulnerable populations we serve," McCabe said in her email.

EPA employees can be EJ grant reviewers, with training starting in late June and reviewing applications to take place in July and August, or they can be grant project officers, which would require a one- or two-year commitment, according to the deputy administrator.

McCabe added in her email, "The experience of reviewing grants or working directly with a grant recipient will foster a

more informed and equitable EPA workforce and help align the agency with the government-wide priority for equity and the Administrator's focus on EJ."

Helping communities, often low income and of color, that have long been plagued with pollution is a central focus for this administration. EPA Administrator Michael Regan has said environmental justice must be in every part of the agency's work.

"To succeed, we must infuse equity and environmental justice principles and priorities into all EPA practices, policies, and programs," Regan said in an email to staff in April.

EPA is also requesting more funds from Congress for its environmental justice work, which would boost its staffing levels for the program as well.

For fiscal 2022, the agency wants an additional \$287 million, drawing from its environmental programs and Superfund accounts, and 172 more employees focused on environmental justice, according to its congressional justification.

EPA's budget plan also proposes elevating environmental justice at the agency by creating a Senate-confirmed assistant administrator post that would manage the program.

House Panel OKs PFAS Bill Despite GOP, Water Groups' Concerns

Pat Rizzuto, Bloomberg Law

<https://news.bloomberglaw.com/environment-and-energy/house-panel-oks-pfas-bill-despite-gop-water-groups-concerns?context=search&index=2>

The House Energy and Commerce Committee will take up a bill requiring the EPA to use its air, water, waste, and chemicals laws to curb some or all "forever chemicals" after one of its subcommittees advanced the legislation on Wednesday.

Energy and Commerce's environment and climate change subcommittee advanced the PFAS Action Act (H.R. 2467) on a 16-7 vote, bringing it a step closer to what sponsor Rep. Debbie Dingell (D-Mich.) has predicted would be a July vote on the House floor.

The House passed the legislation during the last Congress on a 247-159 vote that included 24 supporting Republicans.

The bill would require the Environmental Protection Agency to issue at least nine different types of rules and policies to curb the huge family of per- and polyfluoroalkyl substances, or PFAS, and obtain more information about them to inform future regulatory decisions.

Some Republican Support

Two Republicans voted in favor of the bill, even as they sought further changes: Subcommittee ranking member David B. McKinley (R-W.Va.) and Richard Hudson (N.C.).

PFAS are often dubbed forever chemicals because some don't break down in the environment. They've raised alarms, state regulation, and lawsuits across the country because multiple PFAS are linked with health problems including cancer, high cholesterol, and a weakened immune system.

Republicans objected to what McKinley described the bill's "one size fits all" approach to thousands of chemicals with very different characteristics. They also maintained the legislation would ban the production of medical, electronic, and other equipment that use PFAS.

Subcommittee chairman Paul Tonko (D-N.Y.), however, denied such assertions. He said the bill requires the generation of science, directs the EPA to identify groups of similar PFAS, and has other provisions that would offer the science-based approach that Republicans seek.

Water Utilities Object

Debate on the bill is likely to continue because of concerns from four water treatment organizations—the American Water Works Association, Association of Metropolitan Water Agencies, National Association of Water Companies, and National Rural Water Association.

The groups wrote the committee's and subcommittee's leadership on Tuesday asking members to oppose the PFAS Action Act because of the liability it would bring to ratepayers.

The legislation also substitutes a special, expedited process to regulate PFAS under the Safe Drinking Water Act for the traditional scientific, risk-based process, and would require the EPA to issue too many health advisories for PFAS, they said.

The bill would increase corporate liability and lawsuits by requiring the EPA to designate the two most well-studied and problematic PFAS—perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS)—as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as the Superfund law.

National Standards

The EPA would have to set national drinking water standards for PFOA and PFOS and additional members of the group, under the legislation. Water systems that violate the EPA's standard would have a five-year grace period during which no financial penalties would be assessed to allow them to get treatment systems into place.

The agency also would have to add PFOA and PFOS to the list of hazardous air pollutants, and identify major sources of airborne PFAS.

Industrial facilities that release PFAS in their effluent would have to notify downstream water treatment works, so those facilities could determine whether the chemicals would interfere with their efforts to clean water.

Other sections of the bill would use the Toxic Substances Control Act to put a five-year moratorium on the the introduction of new PFAS into commerce. The EPA would have to require chemical manufacturers to provide a range of new toxicity, exposure, and other data about PFAS already being made and used for thousands of [...]

Nurture, Target, Whole Foods Sued Over Lead Levels in Baby Food

Julie Steinberg, Bloomberg Law

<https://news.bloomberglaw.com/environment-and-energy/nurture-target-whole-foods-sued-over-lead-levels-in-baby-food?context=search&index=2>

Baby food maker Nurture Inc. and retailers Target Corp. and Whole Foods Market California Inc. violate California's Proposition 65 law because of lead in two Nurture products, according to a suit filed Tuesday in state court

:Happytot" apple and spinach oat bars, and "Happytot" cheese and spinach raviolis are marketed specifically for toddlers but contain lead in amounts greater than the permissible daily limits, Ecological Alliance LLC of Laguna Hills, Calif., alleges.

Testing showed that one serving of the ravioli product exposes a child to about 6.23 micrograms of lead—more than 12

times the 0.5 micrograms allowed per day under the law, the suit alleges.

California's Safe Drinking Water and Toxic Enforcement Act of 1986, known as Proposition 65, prohibits companies from intentionally exposing individuals to chemicals known to cause cancer or reproductive harm without first giving a clear warning.

Even low levels of lead may cause a host of adverse health effects, including behavioral problems and learning disabilities. Young children are especially at risk because their brains are developing, Ecological Alliance, a consumer group that tests food products, alleges.

The suit seeks to have the products taken off store shelves until they are reformulated.

Nurture, along with other baby food makers, also faces federal court litigation by consumers alleging the products were deceptively marketed as healthful.

The U.S. Judicial Panel on Multidistrict Litigation recently declined to formally combine dozens of suits against Nurture and other manufacturers.

The lawsuits followed a U.S. House Oversight subcommittee report that found that seven brands of commercial baby food are tainted with "significant levels" of heavy metals including including arsenic, lead, and mercury.

PFAS Cleanup Costs Spur Calls For Chemical Ban As Money-Saving Step

David LaRoss, Inside TSCA

<https://insideepa.com/tsca-news/pfas-cleanup-costs-spur-calls-chemical-ban-money-saving-step>

Environmentalists are pointing to the growing price state and federal agencies are paying to clean up contamination from per- and polyfluoroalkyl substances (PFAS) as a key reason to quickly ban the chemicals, arguing that in addition to environmental and health harms ongoing use of PFAS will lead to even-larger future costs.

"If there needs to be any more evidence for why ending the use of PFAS in products is urgent, just look at this year's 2021-23 budget adopted by the [Washington] state legislature," reads a June 10 blog post by Laurie Valeriano, executive director of the group Toxic-Free Future (TFF).

She notes that state lawmakers in their most recent spending package "allocated more than \$27 million for cleanup of PFAS in drinking water in several communities across Washington" -- funding that Valeriano argues is "critically needed," but only because use of perfluorinated chemicals led to the contamination at issue.

TFF is one of several groups that have long urged EPA to ban "non-essential" uses of PFAS under the Toxic Substances Control Act (TSCA), and have supported those arguments with studies linking perfluorinated chemicals from a host of industries and products to the widespread contamination that states, the federal government and local water authorities are struggling to remedy -- often at a high cost.

"[W]e also urgently need to put an end to PFAS use in all products to ultimately save money and protect the health of communities. By banning these products now, we can avoid future expensive cleanups," she writes.

For instance, Sierra Club and the United Nations Strategic Approach to International Chemicals Management recently released coordinated studies of PFAS in the textiles industry that called for a sweeping ban on all perfluorinated chemicals in the sector, both as an environmental measure and as a test of how companies with global supply chains could implement such restrictions.

Similarly, a recent study of the cosmetics industry found high PFAS levels in a host of products from that sector.

However, EPA lacks authority under TSCA to regulate such “personal care products,” underscoring that any efforts to eliminate use of the chemicals economy-wide will either require legislation, or several agencies acting in concert.

Drinking water groups have likewise argued that limiting use of PFAS is much less expensive than treating water contaminated with the chemicals.

Most recently, Tracey Mehan, executive director of government affairs for the water utility group American Water Works Association, argued in June 10 testimony to the Senate Environment and Public Works Committee that “deploying TSCA authorities in the service of safe drinking water is ‘source water protection’ at the strategic level.”

His remarks echo an April 20 letter to EPA from the Association of Metropolitan Water Agencies and Association of State Drinking Water Administrators where they said PFAS contamination shows that TSCA should be the “first line of defense for protecting drinking water sources from emerging contaminants, which must be addressed holistically across all regulatory statutes and agencies.”

Although EPA itself has yet to act on those requests and legislation to restrict PFAS uses has struggled to pass Congress over Republican opposition, several Democratic-led states are weighing or preparing to implement broad PFAS bans for certain categories of products. Those bills have targeted firefighting foam, children’s products, carpets and food packaging, among other uses.

Cleanup Costs

The \$27 million figure Valeriano cites for Washington is just a fraction of what Congress intends to spend on cleanups at federal sites, especially military installations that have long used firefighting foams with PFAS as a key ingredient, leading to widespread water contamination at and near the bases.

Senate Democrats’ latest bill to fund those efforts, the Clean Water for Military Families Act, would authorize a one-time [...]

New York Passes Flame Retardant Ban, Testing Potential TSCA Preemption

Diana DiGangi, Inside TSCA

<https://insideepa.com/tsca-news/new-york-passes-flame-retardant-ban-testing-potential-tsca-preemption>

New York’s state legislature has approved a bill that would ban the sale of upholstered furniture, mattresses, and electronic display items containing any of a long list of chemical flame retardants, including at least one subject to TSCA limits -- setting up a possible first-time test of the federal law’s preemption provisions.

The bill, known as S.4630-B or A.5418-B, would ban use and sale of electronic displays, upholstered furniture, and mattresses that contain any of several broad categories of flame retardants -- including at least one EPA has already regulated under the reformed Toxic Substances Control Act (TSCA), meaning any state-level restrictions would be preempted under federal law.

Lawmakers approved the legislation on June 10, sending it to Gov. Andrew Cuomo’s (D) desk.

If he signs it, the ban would be effective on Jan. 1, 2024, for both furniture and electronic displays. though industry groups are urging him to veto it, charging it would harm consumers and remove protections against fires.

As written, the bill would apply to any “halogenated, organophosphorus, organonitrogen, or nanoscale” flame retardants in the covered products. In particular, “halogenated chemicals” cover substances that include any of the 16 halogen elements, including fluorine, meaning the ban appears to include per- and polyfluoroalkyl substances (PFAS).

But Eve Gartner, managing attorney for Earthjustice's Toxic Exposure and Health Program, tells Inside TSCA that those categories also sweep in decabromodiphenyl ether (decaBDE), which is one of the five "persistent, bioaccumulative and toxic" (PBT) chemicals for which EPA crafted final rules on Jan. 6.

EPA's decaBDE rule generally bans use of the chemical as well as distribution or sale of products that include it, subject to time-limited waivers for its use in automotive and aerospace vehicles or parts, curtains, and insulation for wire and cables.

Although Earthjustice and other critics of the Trump-era PBT rules have argued that those limits are too lenient, both in litigation and in new comments on the rules, even the current version overlaps with the Empire State's proposed limits on flame retardants.

As such, if Cuomo enacts the legislation, that could trigger what would be the first instance of TSCA preemption since Congress created the practice in its 2016 overhaul of the toxics law.

Under section 18 of the reformed TSCA, when EPA regulates a chemical or group of chemicals it blocks all state policies governing the same substances and uses, subject to some narrow exemptions or a federal waiver. But those provisions have never been tested because the agency only recently started the process of regulating chemicals following the law's 2016 reworking.

New York has already been seen as a possible testing ground for preemption due to its pending limits on 1,4-dioxane, a solvent that EPA evaluated as one of the first 10 existing chemicals it targeted under the reformed TSCA and is now poised to regulate by late 2022. But if the state imposes limits on decaBDE, which is already subject to TSCA rules, it could trigger that test more quickly.

Industry Opposition

But the legislation's prospects for enactment are uncertain as the American Chemistry Council (ACC) is pushing Cuomo to veto the bill altogether, citing concerns that the chemical prohibitions could increase fire safety risks.

"This bill would restrict products in homes, including but not limited to couches, mattresses, televisions and computer monitors; remove a critical layer of fire safety; and could put residents at risk throughout New York State," the ACC wrote in a June 11 press release.

The group's statement calls the legislation "flawed" and said, "One of the most important benefits of flame retardants in product design is that they can help stop small ignition events from turning into larger fires."

"ACC and the North American Flame Retardant Alliance (NAFRA) support the transparent regulation of flame [...]"

OIG will evaluate PFBS assessment branded 'political interference'

NA, Inside TSCA

OIG will evaluate PFBS assessment branded 'political interference'

EPA's Office of Inspector General (OIG) is opening an evaluation of the Trump administration's handling of the toxicity assessment for perfluorobutane sulfonic acid (PFBS), adding still more scrutiny to that process after current chemicals chief Michal Freedhoff labeled it an act of "political interference" in staff scientists' work.

In a June 15 memo, OIG's Patrick Gilbride, director of implementation, execution, and enforcement for the watchdog's Office of Special Review and Evaluation, warns both Freedhoff and acting Office of Research and Development chief Jennifer Orme-Zavaleta of "plans to begin an evaluation" on the PFBS assessment.

“The OIG’s objective is to determine whether the EPA’s Office of Research and Development and Office of Chemical Safety and Pollution Prevention followed applicable policies and procedures in the development and publication of the January 19, 2021 PFBS toxicity assessment,” Gilbride writes.

He notes that OIG is using its discretionary authority to conduct the evaluation, as part of its mandate to track the agency’s compliance with “key internal control requirements” for its work.

EPA issued the PFBS assessment on Jan. 19, just a day before President Joe Biden’s inauguration, but then scrapped it on Feb. 9 and released a new version on April 8, citing “political interference” by White House officials in a staff-led scientific process.

The assessment of PFBS -- one of the thousands of per- and polyfluoroalkyl substances (PFAS) -- featured several significant deviations from longstanding agency practices, which in turn raised questions about the transparency of its development.

Those questions deepened after officials sent the study for White House review, which is not normally required for chemical toxicity studies, and then completed that review in a matter of days.

When EPA announced its withdrawal of the original document, the agency said its findings had been “compromised by political interference as well as infringement of authorship and the scientific independence of the authors’ conclusions,” in violation of the agency’s scientific integrity policy.

Freedhoff later cited PFBS as one of three examples of Trump-era scientific interference in the chemical office’s work, along with the Toxic Substances Control Act evaluation of the solvent trichloroethylene (TCE) and the 2018 registration decision for the herbicide dicamba.

OIG has already conducted its own review of the dicamba decision, and found that the agency “deviated from typical procedures” in that process, with several top chemicals officials making “changes to or omissions from scientific documents.”

In response to that report, released May 24, Freedhoff promised to craft new science integrity training and safeguards both for the pesticides program and across the chemicals office.

Amid DPR, EPA reviews, Walmart calls on produce suppliers to reduce pesticide use

Amy Mayer, Agri-Pulse

<https://www.agri-pulse.com/articles/16045-amid-dpr-epa-reviews-walmart-calls-on-produce-suppliers-to-reduce-pesticide-use>

Walmart has announced it will phase in new guidelines for its fresh produce and flower suppliers including reducing their use of certain pesticides, even as both the Environmental Protection Agency and the California Department of Pesticide Regulation complete re-evaluations of the same chemicals. [...]

Researchers discover 'antidote' for bees exposed to pesticides

Noah Wicks, Agri-Pulse

<https://www.agri-pulse.com/articles/16037-researchers-discover-antidote-for-bees-exposed-to-pesticides>

Using a pollen-sized microparticle that contained a certain enzyme, a group of scientists were able to create an “antidote” to organophosphate-based insecticides, according to a Cornell University release. [...]

Glyphosate clears hurdle in EU registration process

Spencer Chase, Agri-Pulse

<https://www.agri-pulse.com/articles/16053-glyphosate-clears-hurdle-in-eu-registration-process>

Glyphosate is a step closer to getting approved for continued use in the European Union after a positive review by a group of regulators assigned to study the herbicide's safety.

In a draft report by the Assessment Group on Glyphosate, regulators from France, Hungary, the Netherlands, and Sweden said glyphosate “does meet the approval criteria” for a renewed registration in Europe.

The AGG specifically concluded that there was no justification for classifying glyphosate as carcinogenic, toxic for reproduction, toxic for specific organs, mutagenic or genotoxic or disruptive to endocrine functionality.

The group also assessed the potential harm to consumers from residues in food and feed and said, “No chronic or acute consumer risk is expected from treatment of crops with glyphosate according to the representative uses for the current renewal process.”

The AGG did propose retaining the current classification that the product “causes serious eye damage” and also said more information is needed on “reliable field dissipation/degradation rates.”

A spokesperson for Bayer, the manufacturer of glyphosate sold under the brand name Roundup, said the AGG’s review was “based on one of the most extensive and comprehensive scientific dossiers ever compiled for a pesticide product.”

“The AGG’s conclusions are consistent with the conclusions of leading health authorities around the world,” the spokesperson said. “For more than 40 years, leading health authorities have repeatedly concluded that glyphosate-based products are safe for use according to label instructions and that glyphosate is not carcinogenic.”

The review is part of a lengthy re-registration process that began in 2019. Several steps remain in the process, including public input and peer review of the AGG’s findings. The process will be continued by the European Food Safety Authority and the European Chemicals Agency. According to the European Commission, the EFSA will adopt a conclusion based on the peer review of the pesticide risk assessment, a conclusion that will be combined with the AGG report and considered by the Commission and member states.

While EU regulators are continuing the re-registration process, some countries in the bloc are already banning or phasing out the pesticide. Austria first banned the product in 2019, and Germany has announced plans to phase out glyphosate by 2023.

No definitive timeline is available for the next steps in the registration process.

Glyphosate pesticides persist for years in wild plants and cause flower infertility

NA, EurekAlert!

https://www.eurekalert.org/pub_releases/2021-06/f-gpp061521.php

An herbicide widely used in agriculture, forestry and other applications can cause deleterious effects on the reproductive health of a common perennial plant found in forests in British Columbia, Canada. Researchers reported in the journal *Frontiers in Plant Science* that glyphosate-based herbicides (GBH) deformed various reproductive parts on prickly rose (*Rosa acicularis*) a year after the chemicals were first applied in both field sites and experimental plots.

The study is one of the first to look at the effects of GBH on the reproductive morphology of a prevalent perennial plant

in a commercial forestry operation. The herbicide is commonly used to control plants that could compete with conifers that are grown to be harvested in areas known as 'cutblocks'. Glyphosate has been used since the 1970s but has come under increased scrutiny in recent years over concerns about carcinogenic effects on human health.

Investigators from the University of Northern British Columbia (UNBC) collected and analyzed samples of prickly rose reproductive parts from three cutblocks, as well as from greenhouse-grown wild plants, and compared them against untreated plants from similar sources.

The results were striking: Pollen viability of plants treated with glyphosate dropped by an average of 66% compared to the controls a year after the initial application. More than 30% of anthers, the part of the stamen that contains the pollen, failed to split open (a process known as dehiscence), condemning these flowers to functional infertility. In addition, researchers found traces of GBH on plant flowers two full years after the herbicide was first sprayed.

"The changes to plants have been documented in the past, in agricultural plants, so it is not surprising to find them in forests," said Dr. Lisa J. Wood, an assistant professor in the Department of Ecosystem Science and Management at UNBC. "What is important is the timeline. To continue to find these effects one to two years after herbicide applications, in new parts of growing plants, is noteworthy."

For centuries, indigenous people used prickly wild rose as both food and medicine, particularly the reproductive parts. *R. acicularis* is also an important plant ecologically, in part, because it provides food for pollinators. Honeybees, for example, are attracted to particular colors displayed by the flowers.

Wood and lead author Alexandra Golt, a graduate student at UNBC, observed color changes in flower petals and anthers of treated plants. Such abnormalities in coloration could affect the interaction between flowers and pollinators.

Wood said a follow-up study will investigate whether coloration changes in the GHB-treated flowers make them less or more attractive to pollinators. The researchers will also test pollinator insects and hummingbird feces to check if glyphosate residue is present.

"This will tell us if pollinators are taking up residues from the plants they feed on," she explained. "We will also research other plants to see if the changes we observed in the wild rose are also found in other flowers."

Wood said that while past research shows glyphosate is not acutely toxic to most organisms at the levels applied commercially in Canada, scientists don't know a lot about the chronic implications of glyphosate use or how it changes the dynamics of the natural environment - such as the interactions between species or the available food quality.

"The more we learn the better, and research can always be used to better inform management," Wood noted. "Herbicide practices may change, if the research shows that this is in the public's best interest."

Study Highlights Important Role Field Margins Play in Insect Conservation and Pest Management

NA, Beyond Pesticides

<https://beyondpesticides.org/dailynewsblog/2021/06/study-highlights-important-role-field-margins-play-in-insect-conservation-and-pest-management/>

Uncultivated field margins contain almost twice as many beneficial insects as cropped areas around farm fields, according to research published this week in the *Journal of Insect Science*. The study finds that these predators and parasitoids overwinter in diverse vegetation, and can provide farmers an important jump start on spring pest problems. "A benefit of understanding overwintering is that those arthropods that emerge in the spring may be more inclined to feed on pests when pest populations are low," said Scott Clem, PhD, coauthor of the study. "And so, they may be more likely to nip pest populations in the bud before the pest problem becomes a big deal."

The study focused on five organic farms, as conventional chemically sprayed fields are not conducive to a thriving overwintering insect population. The farms, all located in the Midwest, each had 10 emergence tents set up both in the middle of the field and around field edges. Emergence tents capture insects that have spent their winter in soil and prevent predatory insects from escaping scientific analysis. After the tents were set up in mid-March 2018, samples were taken in late March, mid-April, and at the end of April.

In total, researchers collected 4,226 insects they considered beneficial, accounting for 95 species of parasitoids and pest predators. Arthropods collected along field borders contained two times the diversity and abundance as emergence tents placed within crop fields. The divide between cultivated and uncultivated areas held for four of the farms. On one farm, the field border contained mostly grasses with few broadleaf plants and flowers and had been mowed short the previous fall. These field margins were much less diverse than those where farmers had planted wildflower seeds along the edges. “We were able to determine that these field edges are important for maintaining natural enemies of pest species in the landscape,” said Dr. Clem. “And the quality of the field border is likely to benefit the arthropod communities that live there and enhance the services they provide.”

Previous studies have found myriad benefits from the decision to dedicate a portion of one’s cropland to habitat for pest predators and parasitoids. In addition to their ability to help control pests, there is also evidence that non-crop areas like hedgerows can be an effective barrier against spray drift, reduce soil erosion, and act as habitat corridors for forest plants in agricultural landscapes. However, the ability for these areas to manage pest populations is dependent upon maintaining favorable conditions for predators to thrive. A 2016 study published in *Environment International* finds that systemic pesticides like the neonicotinoids can run off from farm fields and make their way into wildflowers along field margins. In this context, these areas become a source sink, as pest predators are drawn to this area but then killed off due to local contamination. In fact, there is evidence that foraging bumblebees would rather dodge traffic than agricultural chemicals. A 2015 study published in the *Journal of Insect Conservation* finds two times more pollinators on plants in field margins facing roadways than those facing agricultural fields.

But even conventional chemical farms can begin to shift when land is dedicated to biodiversity. Two studies published in November 2020 bear this out. One study, published in *Science Advances*, finds that conserving plant diversity around one’s farm can result in much lower rates of pest pressure on plants. Similarly, a study from researchers at University California, Santa Barbara, finds that more diverse landscapes lower insecticide use, while less diverse cropping areas lead to much more intensive pesticide applications.

As co-author Alexandra Harmon-Threatt, PhD, of the present study notes, “This research supports the idea that these uncropped areas — whether you want to call them field borders, field margins or even ditches [...]

EPA Ignored Policy and Procedures for Dicamba Registration

Lisa Whitley Coleman, EHS Daily Advisor

<https://ehsdailyadvisor.blr.com/2021/06/epa-ignored-policy-and-procedures-for-dicamba-registration/>

In a report dated May 24, 2021, the EPA Office of Inspector General (OIG) determined that the Agency “deviated from typical procedures in its 2018 Dicamba pesticide registration decision.”

The watchdog report found required internal peer reviews were not conducted for three dicamba pesticide products.

“While division-level management review is part of the typical operating procedure, interviewees said that senior leaders in the [Office of Chemical Safety and Pollution Prevention’s (OCSPP)] immediate office were more involved in the dicamba decision than in other pesticide registration decisions,” according to the IOG report. “This led to senior-level changes to or omissions from scientific documents. For instance, these documents excluded some conclusions initially assessed by staff scientists to address stakeholder risks. We also found that staff felt constrained or muted in sharing their concerns on the dicamba registrations.”

Additionally, the Agency's action led to legal vulnerability "resulting in the Ninth Circuit Court of Appeals vacating the 2018 registrations for violating FIFRA by substantially understating some risks and failing to acknowledge others entirely," according to the OIG report.

Dicamba History and Litigation

Many pesticide products contain dicamba. It is primarily used on soybean and cotton crops as a weedkiller. It has been the subject of high-stakes lawsuits by farmers whose lands sit adjacent to farms using the pesticide. Attorneys in many of these suits were successful in proving winds carried dicamba onto the adjacent lands and killed the crops.

"Farmers have been using dicamba for more than 50 years, but after Monsanto—which was bought by Bayer in 2018—released dicamba-tolerant cotton and soybeans, the herbicide's use became more widespread," notes the Seattle Times. "In February 2020, Bayer and BASF were ordered to pay \$265 million to a Missouri peach farmer who said the herbicide drifted from nearby cotton fields and damaged thousands of his trees.

"Bayer said in June that it would pay up to \$400 million to settle claims of dicamba drift. But Paul Lesko, a St. Louis attorney who is handling several dicamba cases, said the new EPA report could open the way for new litigation.

"Anybody that doesn't settle or for cases going forward, I think it's a big deal," Lesko said. "I think it shows that punitive damages are back in play."

Regulatory Background

The EPA's authority to regulate pesticides comes from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which charges the EPA with regulating pesticides to prevent "unreasonable adverse effects on the environment" and defines that as:

"any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or

"a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 408 of the Federal Food, Drug, and Cosmetic Act."

The EPA website says the Agency evaluates "information from all kinds of sources—pesticide companies, other governments, academia, and the published scientific literature. EPA scientists and analysts carefully review these data to determine whether to register (license) a pesticide product for use and whether specific restrictions are necessary."

Pesticide Registration Process

Pesticide registrations are extraordinarily complex and are handled by the Office of Pesticide Programs (OPP) within EPA's OCSPP. Registration decisions are drafted by the OPP's Registration Division after considering the risk assessment results conducted by "by the OPP's Environmental Fate and Effects Division (EFED) and the OPP's Health Effects Division, as well as analysis conducted by the OPP's Biological and Economic Analysis Division (BEAD), according to the OIG full report. "The Registration Division also reviews the draft language submitted [...]

+++++

For more news, visit:

- Inside EPA: <https://insideepa.com/>
- Inside TSCA: <https://insideepa.com/inside-tsca-home>
- Bloomberg Environment and Energy: <https://news.bloombergenvironment.com/environment-and-energy/>

If you'd like to be removed or would like to add someone to the listserv please contact Bailey Rosen at Rosen.Bailey@epa.gov. Feedback and interesting articles are welcomed. Thanks and enjoy!

And while you're reading.... Remember to shoot your coworkers [a shooting star!](#)